

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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HELEN MANN,

Plaintiff,

v.

PRUDENTIAL INSURANCE COMPANY  
OF AMERICA,

Defendant.

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Case No. 1:08-cv-1156

Chief Judge Paul L. Maloney

Magistrate Judge Joseph G. Scoville

**ORDER**

**Directing the Plaintiff to Show Cause Why the Action Should Not be Dismissed**

In October 2008, plaintiff Helen Mann (“Mann”) brought this breach-of-contract action against defendant Prudential Insurance Company of America (“Prudential”) in the 36<sup>th</sup> Circuit Court for Van Buren County, Michigan. *See* Doc. 1, Attachment 2. Mann alleges that Prudential issued an insurance policy of \$80,000 payable to her in the event of her husband’s accidental death during the policy period; that her husband did die from an accidental injury seven years later, in March 2007; and Prudential has failed or refused to pay the amount due under the policy. *See id.* ¶¶ 5-8. Prudential timely removed the case to this court in November 2008, filed an answer in December 2008, and filed the administrative record under seal in January 2009, *see* Docs. 1, 7 and 18-19.

On February 9, 2009, the Magistrate Judge granted the parties’ joint stipulation extending the briefing schedule by sixty days and setting a March 15, 2009 deadline for supplementation of the administrative record. *See* Docs. 21-22. On March 16, 2009, Prudential filed the supplemental

record, *see* Doc. 23. About seven weeks later, on May 7, 2009, Mann moved for an extension of time in which to file her brief; Magistrate Judge Scoville granted the extension on May 8, giving Mann until June 11, 2009 to file her opening brief (which would have made Prudential's response brief due July 13, 2009), *see* Docs. 24-25. More than seven months have elapsed since that deadline, and Mann has neither filed a brief, sought a further extension of time, nor taken any other action to advance her claims.

If the parties have settled the case, they **SHALL JOINTLY FILE** a Notice of Stipulated Dismissal with Prejudice no later than Friday, February 19, 2009.

No later than Monday, February 22, 2010, the plaintiff **MAY FILE** a brief which shows "good cause" for the lack of prosecution.

**If** the court does not receive such brief, or if such brief fails to show good cause, **then** the case will be dismissed on Tuesday, February 23, 2010, FED. R. CIV. P. 41, for lack of prosecution.

This is not a final and immediately-appealable order.

**IT IS SO ORDERED** on this 5<sup>th</sup> day of February 2010.

/s/ Paul L. Maloney  
Honorable Paul L. Maloney  
Chief United States District Judge